

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(206)

CRM-M-16421-2022
Date of decision:- 01.09.2022

Manpreet Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S.S.Dinarpur, Advocate with
Mr. Shubham Verma, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana
for State-respondent.

Mr. Diwan S. Adlakha, Advocate
for the complainant.

SUVIR SEHGAL, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of post-arrest bail in case FIR No.62 dated 07.04.2021, registered for offence under Section 306 of the Indian Penal Code, 1860 (for short "IPC"), however, later on Section 304-B, IPC was added, at Police Station Jathlana, District Yamuna Nagar, Annexure P-1.

Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Shamsheer Singh that his sister, Harsimranjeet Kaur, was married to Manpreet Singh, present petitioner, in the year 2017 and was blessed with a male child. Lakhwinder Singh, an unmarried uncle of Manpreet Singh, is the head of the family. Lakhwinder Singh, Manpreet

Singh and his parents, Paramjeet Singh and Gurpreet Kaur, have been harassing her. She was not given money to meet her personal expenses and was not allowed to visit her paternal home. On 05.04.2021, his sister called and told him that she was being physically tortured by the accused and requested that she be brought back to her parental home. On 06.04.2021, a telephonic call was received from the marital village of his sister that she is unwell. When the complainant reached there, he found that she had died and there were strangulation marks on her neck. Request has been made to take action against the accused on the allegation that they have forced Harsimranjeet Kaur to commit suicide.

Counsel for the petitioner submits that the complainant as well as his close relatives have been examined. By referring to their testimony, counsel contends that they have specifically deposed that the accused never harassed Harsimranjeet Kaur for dowry and that she was suffering from mental illness due to which she committed suicide. Counsel asserts that the petitioner, who is in custody since 08.04.2021, deserves to be enlarged on bail as the crucial prosecution witnesses have been examined.

Opposing the petition, State counsel has argued that there are specific allegations against the petitioner in the FIR, which have been supported by the complainant in his supplementary statement. She submits that information regarding the death of Harsimranjeet Kaur was never given by the petitioner or his family members and it was her relatives, who reached the marital home of the deceased and they informed the police. Upon instructions received from, SI, Yunus Ali, she submits that ten out of thirteen prosecution witnesses have been examined.

Counsel for the complainant has, however, supported the prayer made in the petition.

Having considered the submissions made by counsel for the parties, this Court is prima facie of the view that the complicity of the petitioner in the offence would remain a subject matter of debate before the Trial Court. Considering that complainant and other material witnesses have been examined, length of custody of the petitioner, which is more than one year and four months and that the trial is likely to take time to conclude, this Court is of the opinion that the petitioner would be entitled to be released on bail.

Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail during the pendency of trial, on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate concerned.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

01.09.2022

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No